IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4821 of 2005

Between:

1 D.V. Jogender Rao, S/o. D.V. Narayana Swamy,
R/o. H.No. 1-11-11, Begumpet, Hyderabad.
2 Faiz Mohammed, s/o. Late Abdul Nabi,
R/o. H.No. 6-3-882/2/A/1, Somajiguda, Hyderabad, A.P.
3 Noor Mohammed, s/o. Late Abdul Nabi,
R/o. H.No. 6-3-882/2/A/1, Somajiguda, Hyderabad, A.P.

..... PETITIONERS

AND

1 The Assistant City Planner, Circle No. 5, M.C.H. Khairatabad,

Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad Tankbund,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent dt. 9-3-2005 in sending an Officer to the Petitioners' house for compelling them to receive the Cheque and to handover their Premises Nos. 6-3-882/2 to 4 and 6-3-882/2/A/1, Situated at Somajiguda, Hyderabad, A.P by 14-3-2005, without initiating land Acquisition Proceedings as illegal, void, violative of Section 146 and 147 of H.M.C. Act and a Division Bench Judgment of this Hon'ble Court as followed in W.P.No. 3052 of 2003 dt. 19-2-2003, and also contrary to Sections 146 and 147 of the HMC

Act and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioners:MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following ORDER:

The petitioners complain that the respondents are forcibly dispossessing them from their premises, in the process of road widening. It is alleged that on 09.03.2005, the Assistant City Planner, Circle No.5, Municipal Corporation of Hyderabad, the first respondent, had sent his officials, along with a cheque, to the petitioners, who, in turn, are stated to have compelled the petitioners to receive the cheque and vacate the premises. They complain that such a course of action is impermissible in law and allege that no proceedings were initiated under the Land Acquisition Act, 1894 (for short 'the Act').

Heard the learned counsel for the petitioners and the learned standing counsel for the Municipal Corporation of Hyderabad.

Even where the property of an individual is required for public purpose, the authorities concerned are under obligation to follow the procedure prescribed by law, particularly the one under the Act. In the matter of acquisition of properties, for the purpose of widening the roads, this Court had an occasion to deal with a batch of writ petitions, being W.P.No.21198 of 1997, and a set of comprehensive directions were issued in the order, dated 03.02.1998.

Following the same, the writ petition is disposed of directing that the respondents shall not demolish the premises belonging to the petitioners, or dispossess them, except by following the procedure prescribed by law, namely

by issuing notification under the relevant provisions of the Act, or by undertaking negotiations. There shall be no order as to costs.

10.03.2005

ksld

To

1 The Assistant City Planner, Circle No. 5, M.C.H. Khairatabad,

Hyderabad.

2 The Commissioner, Municipal Corporation of Hyderabad Tankbund,

Hyderabad.

3 2 CD copies

4 1 CC to MR.MOHD.ZIA-UL-HAQ

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